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## DECISION

No. 465, dated 22.6.2016

### ON THE STIPULATION OF THE PROCEDURES AND RULES ON THE TRANSFER OF THE PROPERTY RIGHT OVER THE CONSTRUCTION PLOT OF LAND OF THE INFORMAL OBJECTS

*(Amended with Decision No. 19, dated 11/01/2017)<sup>1</sup>*

Pursuant to article 100 of the Constitution and letter “d”, paragraph 1 article 17 of Law No. 9482, dated 3.4.2006 “On legalization, urbanization and integration of the illegal constructions”, as amended, with the proposal of the Minister of Urban Development, the Council of Ministers

## DECIDED:

### I. GENERAL PROVISIONS

1. The right of ownership over the construction plot of land of the legalized object shall be transferred through the administrative act (decision of the Council of Ministers), according to the stipulations of article 17 of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of illegal constructions”, as amended.
2. When the legalized construction plot of land is expanded over immovable properties under private ownership, of the non-possessing construction subjects, the measure and the value of the financial compensation is approved through the same administrative act for the pertaining areas, being private property, which are impacted by the construction.

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<sup>1</sup> This decision contains even other provisions and is the continuation of the first decision.

3. The Decision of the Council of Ministers on the transfer of the ownership right and the approval of the financial compensation value for the areas, being private property, impacted by the legalized constructions, is valid for the final registration of the construction plot of land in the immovable property register.

## **II. PROPERTY RIGHT TRANSFER PROCEDURES AND APPROVAL OF THE COMPENSATION VALUE MEASURE**

4. The proposal on the property right transfer and the approval of the financial compensation value shall be prepared by the directorates of ALUIZNI, attached to the ministry responsible for urban development after the approval of the legalization permit. The schematic presentation of the data on the transfer of the ownership right and the financial compensation shall be stipulated upon the instruction of the general director of ALUIZNI.

5. Regarding the drafting of the proposal, the directorates of ALUIZNI are based on the technical documentation (general plan) and on the information for the legal status of the property, despite the property type.

In no case do the stipulations of this decision violate the right of the non-possessing owner of the plot of land for compensation, according to article 15/1, of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of illegal constructions”, as amended. Providing that after the completion of the procedures, according to this decision, there are ownership claims based on unregistered and earlier titles, then the LIPRO asks ALUIZNI to draft the proposals on the compensation procedures of the non-possessing owner.

6. The procedures on the transfer of the ownership right and on the adoption of the measure of the financial compensation value are applied even though the construction plot of land belongs to the family members of the owner of the legalized construction or to the persons with a family relation to the owner, except for the case when the property is included in the owner’s legal community according to the stipulations of the Family Code.

7. If the owner is a co-owner in the property where the legalized construction is located, the following rules shall be applied for the regulation of the ownership in the construction plot of land:

- a) When the ideal pertaining parts of the property, where the legalized construction is found, are not specified, they are presumed as equal (in proportion to the number of all the co-owners);
- b) The possessor’s ideal pertaining part is calculated in the area of the construction plot of land. Providing that after this situation, the surface of the construction land is not completed, the transfer of the property in the interest of the possessor shall be carried out for its remaining part, along with the compensation of the other co-owners, according to their ideal parts:

- c) The disputes about the division of the plot of land and about the measures of the pertaining parts shall be solved by the court.

8. If one of the co-possessors of the legalized construction is the sole owner of the property where the plot of land is located, the co-ownership over the construction plot of land is created, by transferring to the other possessors the other (ideal) pertaining parts of the plot of land. The measure of the financial compensation value for these pertaining parts shall also be approved through the same decision of the Council of Ministers.

The same principle shall be applied even when the owners of the property are some of the co-possessors of the construction.

9. For the cases provided for in paragraphs 6, 7 and 8 of this decision, the parties may realize preliminarily the civil agreements for the regulation of the reports of the ownership in the construction plot of land, which shall be submitted by them to the directorate under the subordination of ALUIZNI or LIPRO, within 60 days from the date of the legalization permit approval. Otherwise, the procedures according to paragraphs 6, 7 and 8 of the decision shall be applied.

10. When the plot of land of the legalized construction expands on the immovable property, which according to the information on the legal status, results to be a “Uncertified owner” (UCO), the property transfer procedures continue in compliance with the stipulations of this decision, in the same way they are used for the “state” properties.

11. *(Amended with Decision No. 19, dated 11/01/2017)* With regard to the side extensions which are beyond the construction permit, approved by the responsible authority, the procedures for the transfer of the ownership right and the approval of the measure of the financial compensation value shall be applied only when the construction site trail is exceeded beyond the specification in the documentation of the respective permit or when the legal condition of the construction site ownership has changed.

12. The mortgage with a burden on the construction plot of land does not hamper the transfer of the ownership right and the approval of the measure of the financial compensation value. The mortgage creditor has a guarantee right over the financial compensation amount. The guarantee right shall be reflected in the decision of the Council of Ministers, in a special section, for the enforcement of the decision by the PTA. The PTA shall be compelled to specify the amount of the financial compensation in a special bank account. This amount cannot be made available for the beneficiary subject or for the third parties without the approval or the agreement of the creditor.

13. When the legalized construction is constructed on the property under the ownership of the third parties, sequestered according to article 560 of the Civil Procedure Code, ALUIZNI notifies the judicial

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enforcement agent to continue with the mandatory execution on the financial compensation amount, according to part IV, title II, chapter IV of this Code.

The procedures for the transfer of the property right and the financial compensation continue after the confirmation within 30 days by the enforcement agent.

The notes on the mandatory execution on the financial compensation amount are reflected at the special section of the decision of the Council of Ministers. The Property Treatment Agency shall be compelled to specify this amount in a special bank account and it may be made available for the beneficiary subject (debtor) prior to the finalization of the mandatory execution procedure.

If the enforcement officer does not confirm within 30 days or claims the suspension of the procedures of the property transfer and compensation, the directorate of ALUIZNI notifies the minister of Justice about the commencement of the disciplinary proceeding.

14. In the case of the third parties' rights (rent, emphyteusis, usufruct, etc.), the same rules like the ones of paragraph 12 of this decision shall be applied.

15. When there is a limitation on the property, according to articles 59 and 75, paragraph 2 law no. 33/2012 "On the registration of the immovable properties", as amended, for the reasons related to the validity of the ownership title, the financial compensation amount shall be determined by the Property Treatment Agency in a special bank account and cannot be used by the beneficiary subject without solving the limitation cause through judicial ways. In these cases, the limitation shall be reflected in the Decision of the Council of Ministers, in a special section, for the enforcement of the decision by the Property Treatment Agency.

In spite of what is mentioned above, in no case do the limitations hamper the transfer of the ownership right and the approval of the measure of the financial compensation value.

16. The situation of the overlapping of the titles does not hamper the procedures, according to this decision. The overlapping in the construction plot of land shall be dismissed upon the entry into force of the decision of the Council of Ministers which approves the transfer of the ownership right and the value and the measure of the financial compensation. In these cases, the financial compensation shall be approved without specifying the beneficiary subject of this compensation, reflecting the fact of the overlapping of the titles in the special section of the Decision of the Council of Ministers.

For the enforcement of this paragraph, the Property Treatment Agency shall be compelled to determine, in a special bank account, the approved amount of the financial compensation. It is provided to the subject who will result to be the winner, after the solution through judicial ways of the dispute about the rights on this amount among the owners of the titles, which would create overlapping.

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17. For the plots of land of the legalized constructions, which are within the former military territories or objects under the administration responsibility of the Ministry of Defence, before ALUIZNI starts the procedures of the ownership transfer, it submits a request for a proceeding to the Minister of Defence. In accordance to this request, when the territories shall not remain with the Armed Forces, the Ministry of Defence, within 30 days, starts the procedures for the reflection of the changes in the inventory of the state immovable properties and/or the change in the administration responsibility.

For the former military territories or objects which are not under the administration responsibility of the Ministry of Defence or for other territories under the administration responsibility of the central institutions, the draft-decision of the Council of Ministers on the transfer of the property right shall be transmitted for coordination to these institutions. The stipulations on the change/dismissal of the administration responsibility shall be reflected in the decision of the Council of Ministers, in a special section. Pursuant to the individual decision, the respective changes shall be made in the inventory of the state immovable property.

18. The procedures for the transfer of the property right on the plot of land of the legalized object, according to this decision, shall be applied even for the cases when:

- a) the legalized construction is located within or in a functional relation with the surface of the yard that is being used, according to decision no. 578, dated 29.8.2012, of the Council of Ministers “On the determination of the procedure of the transfer in ownership of the yards that are being used”, as amended;
- b) the legalized construction is located within or in a functional relation with the plot of land of the objects constructed before 10.8.1991, for which no acts on receiving the ownership are possessed, according to decision no. 608, dated 5.9.2012 of the Council of Ministers “On the determination of the procedure for the transfer of the immovable property ownership, constructed up to 10.8.1991, of their functional plot of land, when no acts on receiving the ownership are possessed, as well as for their registration”, as amended.

In these cases, the price of the construction plot of land, the ways and the other rules of payment shall be applied according to the legislation for the legalization of illegal constructions.

19. The request for the approval from the competent municipality, according to paragraph 2, article 15/1 of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of the illegal constructions”, as amended, shall be submitted by the directorates under the subordination of ALUIZNI, before the approval of the decision of the Council of Ministers for the transfer of the ownership right and the measure of the financial compensation value. This request is submitted for all the construction plots of land at the properties transferred under the ownership of the municipality, within the territory of the constituent administrative unit.

The request is reviewed by the municipal council which shall decide on the approval of alienation, by selecting the properties (or their parts) out from the inventory of the properties of the municipality.

20. The plots of land of the legalized constructions, which are “possessed according to a legal, unregistered act” shall not be subject to the transfer of the ownership rights, in compliance with the stipulations of article 16 of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of the illegal constructions”, as amended.

21. If the consoles (the construction volumes supported only on one side) are projected in the pavements, these surfaces are not subject to the procedures of the ownership transfer.

22. For the constructions of the type “extension in the height”, at the registered block of flats, when the possessor of the extension is not the owner of the construction unit in the existing object, the transfer of the ownership right shall be carried out for the ideal pertaining part that is transferred to the possessor in the common space (under mandatory co-ownership) as well as the compensation of the other inhabitants, according to the procedures of this decision.

After the approval of the respective decision of the Council of Ministers, the LIPRO enforces the stipulations of paragraph 25 of decision no. 1095, dated 28.12.2015 of the Council of Ministers “On the determination of the rules of work coordination between ALUIZNI and the CIPRO as well as the procedures or the limitations which are enforced for the registration of the legalized properties”.

### **III. SPECIAL REGULATION ON THE ADOPTED DECISIONS ON THE TRANSFER OF THE RIGHT OF OWNERSHIP/FINANCIAL COMPENSATION AND THE FINAL PROVISIONS**

23. Regarding the decisions of the Council of Ministers, adopted before the entry into force of this decision, the transfer of the right of ownership is valid without necessarily signing the contract. When the legalization permit has not been issued yet, the procedures of the ownership transfer shall be considered to be completed at the moment of the approval of the permit.

The final area of the parcel, for which the ownership title is won and registered, is the one stipulated in the legalization permit, according to the accompanying general plan.

24. When the rights on the informal construction have been transferred earlier, through the legal-civil actions, realized after the adoption of the transfer of the ownership right, the directorate of subordination of ALUIZNI shall prepare the proposal on the change of the respective decision of the Council of Ministers before the construction is legalized.

25. The decisions of the Council of Ministers, adopted before the entry into force of law no. 50/2014, “On some amendments and addenda to law no. 9482, dated 3.4.2006, “On Legalization, urbanization and the integration of illegal constructions”, as amended, which have transferred the ownership right on the construction parcel, are not reviewed for the implementation of the limitations of the plot of land, according to paragraph 1, article 17, law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of the constructions without permit”, as amended.

26. When the amendment of the decisions of the Council of Ministers, which stipulate the measure and the value of the financial compensation, is necessary, the following rules are applied:

- a) In the case of the reduction of the area for compensation, of the correction of the list with the names of the co-owners and the numbers of the property or cadastral zone, the price that will be used for the calculation of the financial compensation value shall be the one that has been used at the initial decision of the Council of Ministers;
- b) In the case of the enlargement of the measure (of the area) of compensation for the same property, the price that will be used for the part of the additional area, shall be the one determined based on the value of the property, adopted upon the decision of the Council of Ministers into force at the moment of the change.

27. After this decision enters into force, ALUIZNI shall carry out the procedures of the transfer of the ownership right and of the adoption of the measure of the financial compensation for the construction parcels, which are found in agricultural lands, gained through the acts of taking the land in ownership (ATPO), after the implementation of the provisions of decision no. 994, dated 9.12.2015 of the Council of Ministers “On the procedure of the registration of the acts of taking the property in ownership”, as amended, if it is the case.

When the ATPO results to be registered after ALUIZNI submits the request for information on the legal status, LIPRO shall immediately start the procedures provided for in the abovementioned decision, for the verification of the ownership title over the agricultural land, in case this verification has not been carried out earlier.

28. With regard to the construction parcels that lie in the properties of third parties, for which the transfer of the ownership right has been approved, ALUIZNI shall, within 6 months from the entry into force of this decision, prepare the proposals for the adoption of the measure and the value of the financial compensation of the non-possessing owners, after the legalization permit is approved in favour of the owners of the informal constructions.

29. In any case, up to the completion of the procedures on the transfer of the ownership right and/or compensation of the non-possessing owners or the regulation of the ownership over the construction

parcel through legal-civil or judicial ways, the legalized construction remains registered according to paragraph 14 decision no. 1095, dated 28.12.2015 of the Council of Ministers.

30. The Ministry of Urban Development, the Ministry of Justice, the Ministry of Defence, the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions, the Central Office of Immovable Property Registration shall be responsible for the enforcement of this decision.

This decision enters into force on July 15, 2016.

PRIME MINISTER  
**Edi Rama**



**DECISION**  
**No. 19, dated 11.1.2017**

**ON THE STIPULATION OF THE LEGALIZATION RULES OF THE OBJECTS WITH A CONSTRUCTION PERMIT,  
WITH SIDE EXTENSIONS/EXTENSIONS ON THE HEIGHT OR WITH CHANGES OF THE FUNCTION OF THE  
SPACES AND OF THE ILLEGAL MULTI-STOREY OBJECTS PROJECTED FOR THE TRANSFER OF THE  
OWNERSHIP RIGHT OR THE LEASE**

Pursuant to article 100 of the Constitution and of articles 36 and 43/1 of law no. 9482, dated 3.4.2006, "On legalization, urbanization and integration of the illegal constructions", as amended upon the proposal of the Minister of Urban Development, the Council of Ministers

**DECIDED:**

**I. LEGALIZATION IN FAVOUR OF THE POSSESSORS OF THE OBJECTS WITH A CONSTRUCTION PERMIT,  
WHERE SIDE EXTENSIONS/EXTENSION ON HEIGHT OR CHANGES OF THE SPACE FUNCTIONS HAVE BEEN  
CARRIED OUT**

1. The legalization procedures of the object with a construction permit, where side extensions and/or extensions on the height or the change of the function of the spaces have been done, are carried out in favour of the possessors (as the applicants or the owners of the plot of land, according to the contracts of the order/entrepreneurship or act-agreement) in the following cases:

- a) The subject who constructs/investor is under the conditions of article 99 (or 187) of law no. 9901, dated 14.4.2008 "On Commercial Companies" as amended, or
- b) The subject who constructs/investor does not submit within 30 (thirty) days from the notification date the documentation required officially by ALUIZNI according to law no. 9482 dated 3.4.2006 "On legalization, urbanization and integration of the illegal constructions", as amended, or does not settle within the same time limit, the financial obligation according to article 43 of the same law. This includes the case when the subject results with a suspended activity for at least 1 year, according to the information administered by the National Centre of Business; or
- c) The subject who constructs/investor has not submitted an application for legalization up to the date when this decision enters into force.

2. When the conditions of paragraph 1, of this decision, are met, the directorates of ALUIZNI continue with the legalization in favour of the owners of the apartments or of the premises with a social-economic function, hereinafter referred to as "individual units", according to the procedures provided for in this decision.

3. The directorates of subordination of ALUIZNI, after carrying out the procedures of the identification in the field, draft the lists of the owners of the individual units and display them on the official webpage of ALUIZNI in the premises of the directorates and of the objects that shall be subject to the process of legalization as well as at the local governance units.

4. The legalization and the registration for the objects that are treated according to this chapter, depending on the legal status, shall be carried out in two phases:

- a) The adoption of the legalization permit for the main object (according to the project adopted by the competent body) along with the side extensions and the extensions on the height, carried out and declared by the constructing subjects and their registration at the LIPRO on behalf of ALUIZNI;
- b) The adoption of the legalization permit for the side extensions and/or the extensions on the height carried out and declared by the possessing subjects themselves.

5. Only the extensions which exceed the construction permit shall be subjects to the qualifying criteria provided for in decision no. 280, dated 14.2.2015 of the Council of Ministers “On the determination of the criteria, procedures and documentation applicable for the qualification of the illegal constructions, side extensions and/or the extensions on the height, in the legal constructions”. Providing that the extension is found under the conditions of the exclusion from legalization, only the main object is legalized and registered.

6. The possessors of the individual units shall submit within 30 (thirty) days from the date of the public announcement, according to paragraph 3 of this decision, the documentation which proves the legal-civil relation with the constructing/investing subject. The adoption of the legalization permits for the individual units in favour of the possessors shall be carried out after the application of the procedure stipulated in letter “a” paragraph 4 of this decision.

7. If the object with a construction permit - where some side extensions and/or extensions on the height have been carried out or where the function of the spaces has changed - has been set up in a private plot of land, the owners of the plot of land benefit the respective parts in the main object and in the extensions carried out by the constructing/investing subject, in compliance with letter “c” article 37, law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of the illegal constructions”, as amended.

8. The individual units, for which no contract of ownership/entrepreneurship or act-agreements have been signed, are legalized on behalf of the constructing/investing subject, except for the ones which belong to the owner of the plot of land according to the second paragraph, letter “c” article 37 of law no. 37 of the abovementioned law. In the cases of letter “a” paragraph 1 of this decision, when there are no claims from third parties on the individual unit, it is legalized in favour of the state.

9. In the cases of the mandatory execution, the stipulations of paragraphs 8/3 up to 8/7 of decision no. 280 dated 1.4.2015 of the Council of Ministers “On the stipulation of the criteria, procedures and documentation applicable for the qualification of the illegal constructions, the side extensions and/or the extensions on the height in the legal constructions”, as amended, shall be applied on the object or on the individual units.

In any case, the mandatory execution, which is related to the properties of the constructing/investing subject, cannot get extended on the individual units of the possessors or on the extensions realized and declared by them.

10. Providing two or more people have ownership claims for the same individual unit, the dispute is solved by the court. The legalization procedures shall be suspended only for the individual unit which is the object of the dispute, upon the submission of the judicial certification from the interested party or upon a judicial decision on the lawsuit measure. These procedures resume in compliance with the final judicial decision submitted by the interested subject.

11. According to this chapter, the legalization procedures are not hindered by the contractual obligations which may exist between the possessors and the constructing/investing subject regarding the individual units and they do not dismiss these obligations, either.

12. The registration of the individual units and of the pertaining part of the co-ownership shall be carried out according to the legalization permit. For this purpose, the procedures provided for in decision no. 1095 dated 28.12.2015, of the Council of Ministers “On the determination of the rules on work coordination, between ALUIZNI and CIPRO and of the procedures or limitations that are enforced for the effect of the registration of the legalized properties” shall be enforced. The possessors of the individual units, apart from the payment of the registration fee for these units jointly pay even the registration fee of the object in general according to letter “a” paragraph 4 of this decision.

13. The act on the constructive stability of the object in general, according to article 37 law no. 9482 dated 3.4.2006 “On legalization, urbanization and integration of the illegal constructions”, as amended, shall be deposited by the possessors of the individual units.

14. With regard to the payment of the service fee by the possessor, paragraphs 2 up to 4/1 of decision no. 860 dated 10.12.2014 of the Council of Ministers “On the determination of the mode of the collection and administration of the incomes for illegal constructions and the applicable values for legalization”, as amended, shall be applied.

15. The penalties, according to article 43 of law no. 9482 dated 3.4.2006 “On legalization, urbanization and integration of illegal constructions”, as amended and the tax obligations, provided for by articles 11

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and 20 of law no. 8438, dated 28.12.1998 “On income tax”, as amended, shall be borne by the constructing/investing subject and do not hamper the legalization in favour of the possessors, according to this chapter.

The penalties shall be calculated by the directorate of ALUIZNI and shall be notified to the General Directorate of Taxes. If the subject is subject to the bankruptcy procedures, they shall be notified even to the person in charge of the liquidation of the trade company and to the Agency of Bankruptcy Supervision.

Tax obligations shall be borne by the constructing subject even though the transfer of the ownership right over the individual units shall be carried out by ALUIZNI through the legalization permit. According to this point, ALUIZNI transmits to the General Directorate of Taxes the necessary information and documentation for the evaluation of tax obligations.

The payment for the tax regarding the impact on infrastructure does not hamper legalization according to this chapter and shall be carried out in any case by the constructing/investing subject.

16. The cases provided for in letter “a” paragraph 1 of this decision, due to the effect of the obligations of the constructing/investing subject on the payment of the penalty and taxation shall be treated in compliance with the legislation into force by the tax institutions and the ones of the supervision of the trade companies.

## **II. LEGALIZATION ON BEHALF OF THE CONSTRUCTING/INVESTING SUBJECT**

17. Regarding the objects violating the construction permit, which are not treated according to chapter I of this decision, the legalization permit shall be adopted for the constructing/investing subject which results to be such according to the construction permit or for the subject who has won the rights on construction, through:

- a) legal-civil actions (contracts, notary acts) for the transfer of the rights on the object by the investor/constructing subject to another subject;
- b) the final court decision.

18. The legalization shall not be hampered by the tax obligations of the parties, as a result of the activities carried out earlier on the transfer of the rights over the object and it does not dismiss these obligations, either. According to this paragraph, ALUIZNI, at the moment when the legalization permit is sent for registration, transmits copies of the documentation of the practice for the evaluation of the tax obligations to the regional tax directorate.

In the cases when the transfer of the rights over the object has been carried out without a countercompensation, the stipulations of paragraph 9 of the joint instruction of the Minister of Finance and Minister of Justice no. 9, dated 26.2.2008, as amended, shall be applied.

19. The rules stipulated in paragraphs 4, 5 and 9 of this decision shall be applied even for the objects that are legalized according to this chapter.

### **III. LEGALIZATION OF THE ILLEGAL MULTY-STOREY OBJECTS PROJECTED FOR OWNERSHIP TRANSFER OR TO BE RENTED**

20. The identification of the illegal multi-storey (more than 5 floors) constructions to be sold or rented, of the individual units of residence or service shall be carried out by the directorates of ALUIZNI, through the coordination and exchange of information with the local governance units as well as through the procedures of the identification in the field.

21. The subject that has constructed an illegal multi-storey building to be sold and/or rented, shall pay:
- a) the tax of the impact on infrastructure according to law on the local tax system. The procedure that shall be followed for the implementation of this point is the one stipulated in paragraph 5 of decision no. 860 dated 10.12.2014 of the Council of Ministers “On the stipulation of the mode for the collection and administration the incomes for illegal constructions and the for the values applicable for legalization”, as amended.
  - b) fee on legalization, at the same measure.

The fee on legalization shall be paid by the subject who has set up the construction, at ALUIZNI, within 30 (thirty) days from the date of the notification in writing, following the same procedure as in paragraph 4/1 of decision no. 860 dated 10.12.2014, of the Council of Ministers “On the stipulation of the mode for the collection and administration of the incomes for illegal construction and of the values applicable for legalization”, as amended.

22. In case the constructor as well as the residents apply for the legalization of the multi-storey object, the legalization procedures for the object shall be carried out only on behalf of the constructor. Exceptionally, when the subject, that has set up the construction has transferred the rights over the individual units before the entry into force of this decision or when the subject does not complete the necessary documentation for legalization, the procedures shall continue in favour of the residents.

23. When the legalization permit is adopted for the residents of the individual units, they shall pay only the tax of the impact on infrastructure, in compliance with the third provision of paragraph 3 article 27 of law no. 9632, dated 30.10.2006 “On local tax system”, as amended.

24. The legal-civil actions of the constructor (being the applicant for legalization), carried out after the entry into force of this decision, on the transfer of rights over the object that is legalized according to this chapter or over the individual units, are not taken into consideration by the directorates of ALUIZNI. An exception from this rule goes for the cases when the legalization procedures are carried out for the possessors of the individual units.

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#### **IV. FINAL PROVISIONS**

25. The issues of the positioning of the object, violating the construction permit and/or of the constructions site shall be solved based on the factual construction condition, identified in the field. The directorates of ALUIZNI continue with the legalization of the object according to this finding, despite the difference between the factual condition and the documentation of the permit issued by the local authority.

26. When it results that the construction object/site lies outside the construction plot of land stipulated in the construction permit, the directorates of ALUIZNI proceed according to articles 15/1 and 17 of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of illegal constructions”, as amended, and of the respective sublegal acts, unless a legal-civil agreement is reached between the private parties.

These provisions shall be applied even when there are changes of the legal condition of the ownership of the construction site, in relation to the documentation of the respective construction permit.

27. For the effect of the calculation and payment of the tax on the impact on infrastructure by the local governance units, for all the constructions that are treated according to this decision, the directorates of ALUIZNI implement the procedures provided for in paragraph 5 of decision no. 860 dated 10.12.2014 of the Council of Ministers “On the determination of the mode of the collection and administration of the incomes for illegal constructions and the applicable values for legalization”, as amended.

28. At the end of paragraph 11 of decision no. 465 dated 22.6.2016 of the Council of Ministers “On the determination of the procedures and rules for the transfer of the ownership right over the construction parcel of the informal objects”, the following words shall be added: “... or when the legal status of the ownership of the construction site has changed”.

29. The Ministry of Urban Development, the Ministry of Justice, the Ministry of Finance, the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions, the Central Office of Immovable Property Registration, the General Directorate of Taxes and the Agency of the Bankruptcy shall be responsible for the implementation of this decision.

This decision enters into force after the publication in the Official Journal.

**PRIME MINISTER**  
**Edi Rama**